

REMARKS

As disclosed in the paragraph bridging pages 1 and 2 of the specification, the present invention relates to a thermoplastic elastomer composition, a foam made from the same and a process for producing a foam. More particularly, the invention relates to a thermoplastic elastomer composition having a three-dimensional network structure which is not formed by a chemical crosslinking and having an excellent elasticity recovery and flexibility. Furthermore, the invention relates to a foam which is formed from the thermoplastic elastomer composition described above and in which the cells are formed uniformly and which has a highly closed cell, an uniform cell shape and size, an excellent elasticity recovery, flexibility and appearance and a method for producing such a foam. A thermoplastic elastomer composition of the invention can favorably be utilized in automobile interior parts, automobile exterior parts, light electric appliance parts, other industrial parts, building materials, sport goods and the like. A foam of the invention can favorably be utilized in automobile weather strip, vibration absorbers for electric appliances and the like.

The rejections of Claims 1-4, 10 and 12:
under 35 U.S.C. § 102(b) as anticipated by U.S. 5,543,438 (Shibayama et al);
under 35 U.S.C. § 102(b) as anticipated by U.S. 4,366,464 (Miyamoto et al); and
provisionally under the judicially created doctrine of obviousness-type double
patenting over Claims 1-12 of copending Application No. 10/009,492,
are respectfully traversed.

The above claims have been cancelled. Therefore, these rejections are moot.
Accordingly, it is respectfully requested that they be withdrawn.

The rejection of Claims 1-6 under 35 U.S.C. § 102(b) as anticipated by, or, in the
alternative, under 35 U.S.C. § 103(a) as obvious over, U.S. 5,596,042 (Itoh et al), is
respectfully traversed. Itoh et al describes olefin thermoplastic elastomers which are

necessarily partially crosslinked. On the other hand, above-amended Claim 5 and claims dependent thereon recite that the thermoplastic elastomer composition is **non-chemically crosslinked**. Itoh et al neither discloses nor suggests a thermoplastic elastomer composition having the presently-recited three-dimensional network structure that is non-chemically crosslinked. Accordingly, it is respectfully requested that the rejection over Itoh et al be withdrawn.

The rejection of Claims 7-9 and 11-13 under 35 U.S.C. § 112, first paragraph, as failing to satisfy the description and enablement requirements, is respectfully traversed. First of all, there is no issue that the description requirement is not satisfied, since original claims provide their own description. The discussion of the rejection indicates that the Examiner believes the rejected claims fail to satisfy only the enablement requirement of 35 U.S.C. § 112. In reply, a patent applicant is not required to disclose what is already known in the art. The examples disclosed in the specification herein use a particularly hydrogenated diene-based copolymer known as "DYNARON DR 6200P", made by JSR Corporation, as described in the specification at page 26, lines 12-14. This material is referred to as polymer BL-3 in Example 9 of Table 1 in U.S. 5,216,074 (Imai et al). Indeed, Imai et al discloses how to make block copolymers of the type recited in Claim 7 herein. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 6-9 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. The term "shown below" no longer appears in the claims. Regarding the 1,2 vinyl group content for polymer block B, the Examiner is correct that it refers only to diene units, as would be understood by persons skilled in the art. With regard to the term "crystalline ethylenic polymer blocks", note the above-discussed amendment wherein "ethylenic" has been deleted, and see also the above-discussed Imai et al, particularly at column 3, lines 30-

32. Applicants clearly do not intend the above-quoted term to be limited to blocks derived from ethylene.

For all of the above reasons, it is respectfully requested that this rejection be withdrawn.

The objection to Claim 4 is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that it be rejoined.

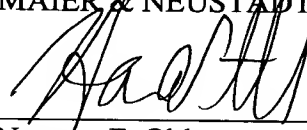
Applicants acknowledge the Examiner's crossing out of the entry for JP 6-73222 on the Form PTO-1449 which accompanied the IDS filed January 31, 2002. The actual Japanese language document was correct, and is described in the specification at page 2, first full paragraph. Thus, the Japanese language document itself was properly submitted. However, the English language abstract was of a Japanese published patent application in which JP 6-73222 was the application number, not the publication number. **Submitted herewith** is another Information Disclosure Statement with the same listing as in the IDS filed January 31, 2002, along with the above-discussed Imai et al. The Japanese text of JP 6-73222 is not included, since, as discussed above, it was submitted originally. The Examiner is respectfully requested to initial the Form PTO-1449 submitted herewith, and include a copy thereof with the next Office communication.

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Reply to Office Action of

All of the presently pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to Issue.

Respectfully submitted,

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